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Electronic comments must be
submitted as an ASCII file avoiding the
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The official record for this
rulemaking, as well as the public
version, as described above will be kept
in paper form. Accordingly, EPA will
transfer all comments received
electronically into printed, paper form
as they are received and will place the
paper copies in the official rulemaking
record which will also include all
comments submitted directly in writing.
The official rulemaking record is the
paper record maintained at the address
in "ADDRESSES" at the beginning of
this document.

Under Executive Order 12866 (58 FR
51735, Oct. 4, 1993), the Agency must
determine whether the regulatory action
is "significant" and therefore subject to
all the requirements of the Executive
Order (i.e., Regulatory Impact Analysis,
review by the Office of Management and
Budget (OMB)). Under section 3(f), the
order defines "significant" as those
actions likely to lead to a rule (1) having
an annual effect on the economy of \$100
million or more, or adversely and
materially affecting a sector of the
economy, productivity, competition,
jobs, the environment, public health or
safety, or State, local or tribal
governments or communities (also
known as "economically significant");
(2) creating serious inconsistency or
otherwise interfering with an action
taken or planned by another agency; (3)
materially altering the budgetary
impacts of entitlement, grants, user fees,
or loan programs; or (4) raising novel
legal or policy issues arising out of legal
mandates, the President's priorities, or
the principles set forth in this Executive
Order.

Pursuant to the terms of this
Executive Order, EPA has determined
that this rule is not "significant" and is
therefore not subject to OMB review.

Pursuant to the requirements of the
Regulatory Flexibility Act (Pub. L. 96-
354, 94 Stat. 1164, 5 U.S.C. 601-612),
the Administrator has determined that
regulations establishing new tolerances
or raising tolerance levels or
establishing exemptions from tolerance
requirements do not have a significant
economic impact on a substantial
number of small entities. A certification
statement to this effect was published in
the Federal Register of May 4, 1981 (46
FR 24950).

List of Subjects in 40 CFR Part 180

Environmental protection,
Administrative practice and procedure,
Agricultural commodities, Pesticides
and pests, Reporting and recordkeeping
requirements.

Dated: February 28, 1996.

Stephen L. Johnson,

Director, Registration Division, Office of
Pesticide Programs.

Therefore, it is proposed that 40 CFR
part 180 be amended as follows:

PART 180—[AMENDED]

1. The authority citation for Part 180
continues to read as follows:

Authority: 21 U.S.C. 346a and 371.

2. In § 180.432, *Lactofen; tolerances
for residues*, by revising paragraph (a) to
read as follows:

§ 180.432 Lactofen; tolerances for residues.

(a) Tolerances are established for the
combined residues of lactofen, 1-
(carboethoxy)ethyl-5-[2-chloro-4-
(trifluoromethyl)phenoxy]-2-
nitrobenzoate, and its associated
metabolites containing the diphenyl
ether linkage expressed as lactofen in or
on the following raw agricultural
commodities:

Commodities	Parts per million
Beans, snap	0.05
Soybeans	0.05

* * * * *

[FR Doc. 96-5538 Filed 3-7-96; 8:45 am]

BILLING CODE 6560-50-F

40 CFR Part 300

[FRL-5436-5]

National Oil and Hazardous Substances Pollution Contingency Plan National Priorities List

AGENCY: Environmental Protection
Agency (EPA).

ACTION: Notice of intent to delete
Newport Dump Superfund Site, Wilder,
Kentucky, from the National Priorities
List.

SUMMARY: The Environmental Protection
Agency (EPA) Region 4 announces its
intent to delete the Newport Dump Site
(the Site) from the National Priorities
List (NPL) and requests public
comments on this proposed action. On
May 16, 1988, EPA issued a notice

announcing its intent to delete this site
and others. The notice is being revised
to conform to the most recent Site
conditions. The NPL constitutes
Appendix B of 40 CFR part 300 which
is the National Oil and Hazardous
Substances Contingency Plan (NCP),
which EPA promulgated pursuant to
Section 105 of the Comprehensive
Environmental Response, Compensation
and Liability Act of 1980 (CERCLA), as
amended. EPA and the Commonwealth
of Kentucky have determined that the
Site poses no significant threat to public
health and the environment and
therefore, further remedial measures
pursuant to CERCLA are not
appropriate.

DATES: Comments may be submitted by
midnight April 17, 1996.

ADDRESSES: Comments may be mailed
to: Liza I. Montalvo, Remedial Project
Manager, North Superfund Remedial
Branch, U.S. Environmental Protection
Agency, Region 4, 345 Courtland Street,
N.E., Atlanta, GA 30365.

Comprehensive information on this
Site is available through the public
docket which is available for viewing at
the Newport Dump site information
repositories at the following locations:
Campbell County Library, 403

Monmouth, Newport, KY, 41071.
U.S. EPA Record Center, 345 Courtland
Street, N.E., Atlanta, GA, 30365.

FOR FURTHER INFORMATION CONTACT: Liza
I. Montalvo, U.S. EPA Region 4, 345
Courtland St., N.E., Atlanta, GA 30365,
404-347-3555 Ext. 2030 or 1-800-435-
9233 Ext. 2030.

SUPPLEMENTARY INFORMATION:

I. Introduction

The Environmental Protection Agency
(EPA) Region 4 announces its intent to
delete the Newport Dump site, Wilder,
Kentucky, from the National Priorities
List (NPL), Appendix B of the National
Oil and Hazardous Substances Pollution
Contingency Plan (NCP), 40 CFR part
300, and requests comments on its
deletion. EPA identifies sites that
appear to present a significant risk to
public health, welfare, or the
environment and maintains the NPL as
the list of these sites. As described in
§ 300.425(e)(3) of the NCP, sites deleted
from the NPL remain eligible for
remedial actions in the unlikely event
that conditions at the site warrant such
action.

The EPA will accept comments on the
proposal to delete this Site for thirty
days after publication of this notice in
the Federal Register.

Section II of this notice explains the
criteria for deleting sites from the NPL.
Section III discusses the procedures that

EPA is using for this action. Section IV discusses the Newport Dump Site and explains how the Site meets the deletion criteria.

II. NPL Deletion Criteria

Section 300.425(e) of the NCP provides that releases may be deleted from, or recategorized on the NPL where no further response is appropriate. In making a determination to delete a release from the NPL, EPA shall consider, in consultation with the state, whether any of the following criteria have been met:

(i) Responsible parties or other parties have implemented all appropriate response actions required;

(ii) All appropriate responses under CERCLA have been implemented, and no further action by responsible parties is appropriate; or

(iii) The remedial investigation has shown that the release poses no significant threat to public health or the environment and, therefore, taking of remedial measures is not appropriate.

Even if a site is deleted from the NPL, where hazardous substances, pollutants, or contaminants remain at the site above levels that allow for unlimited use and unrestricted exposure, EPA's policy is that a subsequent review of the site will be conducted at least every five years after the initiation of the remedial action at the site to ensure that the site remains protective of public health and the environment.

III. Deletion Procedures

The following procedures were used for the intended deletion of this site: (1) EPA Region 4 has recommended deletion and has prepared the relevant documents, (2) The Commonwealth of Kentucky has concurred with the deletion decision, (3) Concurrent with this Revised Notice of Intent to Delete, a local notice has been published in local newspapers and has been distributed to appropriate federal, state and local officials, and other interested parties. This local notice announces a thirty (30) day public comment period, provides an address and telephone number for submission of comments, and identifies the location of the local site repository; and (4) Region 4 has made all relevant documents available in the Regional Office and local site information repository.

Deletion of the Site from the NPL does not itself create, alter, or revoke any individual's rights or obligations. The NPL is designed primarily for informational purposes and to assist Agency management. As mentioned in Section II of this Notice, § 300.425(e)(3) of the NCP states that the deletion of a

site from the NPL does not preclude eligibility for future response actions.

For deletion of this Site, EPA Region 4 will accept and evaluate public comments on EPA's Revised Notice of Intent to Delete before making a final decision to delete. If necessary, the Agency will prepare a Responsiveness Summary to address any significant public comments received.

A deletion occurs when the EPA Regional Administrator places a final action in the Federal Register. Generally, the NPL will reflect deletions in the final update following the Notice. Public notices and copies of the Responsiveness Summary will be made available to local residents by Region 4.

IV. Basis for Intended Site Deletion

The following site summary provides the Agency's rationale for the proposal to delete this Site from the NPL.

A. Site Background

The Newport Dump Site is a former municipal landfill located in the City of Wilder in Campbell County, Kentucky. Contiguous to the western boundary of the Site is the Licking River, a tributary of the Ohio River.

B. History

The 39 acre Site was originally used by the City of Newport for the disposal of residential and commercial wastes from its opening in the late 1940's until its closure in 1979. During this period the Kentucky Department of Natural Resources and Environmental Protection Cabinet (KDNREPC) cited the City of Newport for numerous waste disposal violations and the Site was eventually purchased by the Northern Kentucky Port Authority. In 1982, the Newport Dump Site was evaluated by the Hazard Ranking System (HRS) and received a score of 37.96 which ranked the Site number 359 in Group 8 on the National Priorities List (NPL). The basis for this NPL ranking was that the Newport Dump Site contained over 1,000,000 cubic yards of both hazardous and non-hazardous commercial waste, the Site was adjoined on both the south and west boundaries by surface water stream and river, respectively and across the Licking River on the west was a potable water intake serving 75,000 nearby residents.

C. Characterization of Risk

A Remedial Investigation and Feasibility Study ensued and discovered several inorganic contaminants, i.e., barium, chromium, nickel and organic compound, toluene, were leaching into the Licking River slightly above health base levels established by the Clean

Water Act's Maximum Contaminant Levels (MCLs). A Record of Decision (ROD) signed at EPA Region 4, Atlanta, Georgia on March 27, 1987 selected the following response: monitoring groundwater and subsurface gas migration, construction of a leachate collection system and regrading revegetation of the 39 acre Site to prevent erosion. An Action Memo to authorize a removal action was signed in June 1987. This remedy was constructed and placed into operation within seven (7) months of the signing of the ROD and completed during December 1987. Groundwater, surface water, soil and sediment sampling were accomplished during the construction and post construction phases. Except for the waste source, the sampling results listed negligible (well below the MCL criteria) to non-detectable contaminant levels in the adjacent Licking River, and in both on-site and off-site media demonstrated no significant or potentially harmful migration of contaminants to off-site receptors.

D. Operation and Maintenance

EPA Region 4 has performed the first year of Operation and Maintenance (O&M) activities as mandated in the ROD, which included multimedia monitoring of groundwater, surface water, underground gas migration, and leachate. In October 1992, the City of Newport entered into an agreement with EPA Region 4 to continue to perform O&M work at the Site. The City of Newport began such activities in June 1993.

E. Five-Year Review

EPA finalized the first Five-Year Review for the Newport Dump Site in July 1993, in which groundwater, surface water, leachate, sediment and gas samples were collected. Groundwater data was compared to the MCL (July 1992), the Alternate Concentration Limits in the Newport ROD, and background levels. Surface Water data was evaluated using MCLs, July 1992, Water Quality Criteria (WQC), December, 1992 and Kentucky Surface Water Standards, January 1992. It was concluded that the contaminants detected in the ground water, surface water, and sediment do not pose a threat to human health and the environment, and that there appears to be no contribution from the landfill to these medias. Subsurface gas samples were analyzed for volatile organic compounds (VOCs) and methane. Hazardous gases were detected in three of the gas wells, however, only methane was detected above its lower explosive limit (LEL). These wells will continue to

be monitored, and methane field screening techniques will be performed on a quarterly basis to ensure gas is not migrating off-site.

F. Explanation of Significant Differences

In January 1995, EPA Region 4 issued an Explanation of Significant Differences (ESD) for the Newport Dump Site to provide information on modifications to the selected remedy as originally described in the ROD, and to notify the public of O&M activities being conducted at the Site. The actions documented in the ESD included: the installation of a new drainage culvert, the construction of a french drain, and the shut down of the leachate collection system. In May 1990, EPA Region 4 discontinued use of the leachate collection system because it appeared to be collecting groundwater, and operating the system was not providing a higher degree of protection to the environment. Since turning the system off, no problems have been encountered, and no significant increases in contamination in the surface water in the Licking River have occurred. In fact, the levels of contaminants in the leachate samples collected in the Five-Year Review were consistent with the surrounding groundwater.

At this time, all appropriate Fund-financed response under CERCLA has been implemented, and no further response action by responsible parties is appropriate.

G. State Concurrence to Delete Newport Dump Site

EPA, with concurrence of the Commonwealth of Kentucky, believes that the following criterion for deletion have been met: (1) EPA has implemented all appropriate response actions required; and (2) All appropriate response under CERCLA has been implemented. Subsequently, EPA is proposing deletion of Newport Dump Site from the NPL. Documents supporting this action are available from the docket.

Dated: February 23, 1996.

Phyllis P. Harris,

Acting Regional Administrator, U.S. EPA Region 4.

[FR Doc. 96-5530 Filed 3-7-96; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 300

[FRL-5436-8]

National Oil and Hazardous Substances Pollution Contingency Plan National Priorities List

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of intent to delete A.L. Taylor Superfund Site, Brooks, Kentucky from the National Priorities List.

SUMMARY: The Environmental Protection Agency (EPA) Region 4 announces its intent to delete the A.L. Taylor Site (the Site) from the National Priorities List (NPL) and requests public comments on this proposed action. In July, 1988, EPA issued a notice announcing its intent to delete this Site. Prior to the final determination to delete the Site the Agency adopted a policy of waiting until after a five-year review of a site to consider delisting. The first five-year review of the A.L. Taylor Site has been completed, and the results indicated that the remedy is protective of the human health and environment. Therefore, this notice is being revised to account for recent Site conditions. The NPL constitutes Appendix B of 40 CFR part 300 which is the National Oil and Hazardous Substances Contingency Plan (NCP), which EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), as amended. EPA and the Commonwealth of Kentucky have determined that the Site poses no significant threat to public health and the environment and therefore, further remedial measures pursuant to CERCLA are not appropriate.

DATES: Comments may be submitted by April 17, 1996.

ADDRESSES: Comments may be mailed to: Liza I. Montalvo, Remedial Project Manager, North Superfund Remedial Branch, U.S. Environmental Protection Agency, Region 4, 345 Courtland Street, N.E., Atlanta, GA 30365.

Comprehensive information on this Site is available through the public docket which is available for viewing at the A.L. Taylor Superfund Site information repositories at the following locations:

Ridgeway Memorial Library, 127 Walnut Street, Shepherdsville, KY, 40165.

U.S. EPA Record Center, 345 Courtland Street, N.E., Atlanta, GA, 30365.

FOR FURTHER INFORMATION CONTACT: Liza I. Montalvo, U.S. EPA Region 4, 345

Courtland St., N.E., Atlanta, GA 30365, 404-347-3555 Ext. 2030 or 1-800-435-9233 Ext. 2030.

SUPPLEMENTARY INFORMATION:

I. Introduction

The Environmental Protection Agency (EPA), Region 4, announces its intent to delete the A.L. Taylor Site, Brooks, Kentucky, from the National Priorities List (NPL), Appendix B of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR Part 300, and requests comments on its deletion. EPA identifies sites that appear to present a significant risk to public health, welfare, or the environment and maintains the NPL as the list of these sites. As described in § 300.425(e)(3) of the NCP, sites deleted from the NPL remain eligible for remedial actions in the unlikely event that conditions at the site warrant such action.

The EPA will accept comments on the proposal to delete this Site for thirty days after publication of this notice in the Federal Register.

Section II of this notice explains the criteria for deleting sites from the NPL. Section III discusses the procedures that EPA is using for this action. Section IV discusses the A.L. Taylor Superfund Site and explains how the Site meets the deletion criteria.

II. NPL Deletion Criteria

Section 300.425(e) of the NCP provides that releases may be deleted from, or recategorized on the NPL where no further response is appropriate. In making a determination to delete a release from the NPL, EPA shall consider, in consultation with the State, whether any of the following criteria have been met:

(i) Responsible parties or other persons have implemented all appropriate response actions required;

(ii) All appropriate fund-financed response under CERCLA have been implemented, and no further action by responsible parties is appropriate; or

(iii) The remedial investigation has shown that the release poses no significant threat to public health or the environment and, therefore, taking of remedial measures is not appropriate.

Even if a site is deleted from the NPL, where hazardous substances, pollutants, or contaminants remain at the site above levels that allow for unlimited use and unrestricted exposure, EPA's policy is that a subsequent review of the site will be conducted at least every five years after the initiation of the remedial action at the site to ensure that the site remains protective of public health and the environment.